

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Richard Lowery, on behalf of himself
and others similarly situated,

Plaintiff,

v.

Texas A&M University System, et al.,
Defendants.

CIVIL ACTION NO.
4:22-cv-03091

JUDGE CHARLES ESKRIDGE

PLAINTIFF’S SECOND ADDITIONAL NOTICE TO THE COURT

Yesterday the dean of the Mays Business School and the interim head of the Finance Department sent a reappointment letter to Adam Kolasinski, the James W. Ashton Republic Bank endowed professorship in Finance at the Mays Business School. The reappointment letter is dated July 31, 2023, and it sets forth the terms of Professor Kolasinski’s continued employment at Texas A&M University for the 2023–2024 academic year. The following paragraph appears in the reappointment letter under the heading “Effort Assigned”:

Mays Business School’s expectations for holding a tenured/tenure track position include effective undergraduate and graduate classroom teaching [redacted] courses (or equivalent) per academic year; mentoring and supervision of undergraduate and graduate students and postdoctoral students, particularly recruiting and mentoring of doctoral students and guiding them through graduation in a timely manner; establishment of a sustainable research program through external funding; publication of papers with students in venues that demonstrate impact; *contributions to Texas A&M diversity and inclusion goals*, and providing a degree of service to Texas A&M University and the professional community.

Exhibit 1, page 2 (emphasis added). And the university’s “diversity and inclusion goals” are described on its website, which still include the following:

- In new hires, increase by 100% the diversity of our faculty to better reflect the diversity of our student body.
- Increase by 50% the retention of women faculty on the tenure track to better reflect the diversity of our student body.

See <https://diversity.tamu.edu/Home/Strategic-Planning> (last visited on August 1, 2023). A copy of this webpage is also available at ECF No. 34-1.

Reappointment letters prior to the Banks administration did not require tenured or tenure-track faculty to contribute to Texas A&M’s diversity and inclusion goals. See Kolasinski Decl. at ¶ 7 (attached as Exhibit 2). Yet the university continues to include this diversity-and-inclusion language in its reappointment letters, which places its tenured and tenure-track faculty under contractually binding commitment to discriminate against white or Asian men in faculty-hiring decisions. See *id.* at ¶ 6. And it does so despite the recent enactment of Senate Bill 17 and the Supreme Court’s ruling in *Students for Fair Admissions*. These are not the actions of a university committed to colorblind and sex-neutral hiring. And Mr. Lowery’s claims cannot be moot when Texas A&M continues to require its faculty to “contribute” to the university’s illegal diversity-and-inclusion goals.

CONCLUSION

The motion to dismiss for lack of justiciability should be denied.

Respectfully submitted.

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Dated: August 1, 2023

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CERTIFICATE OF SERVICE

I certify that on August 1, 2023, I served this document through CM/ECF upon:

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